

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

**IN THE MATTER OF:** )  
 )  
**John Bidart** )  
**Operator of Loyola Dairy #1** )  
**7975 Bickmore Ave.** )  
**Chino, CA 91710** )

**COMPLAINT NO. 01-47  
FOR  
ADMINISTRATIVE CIVIL LIABILITY**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. John Bidart, operator of Loyola Dairy #1, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose civil liability pursuant to Section 13385 of the California Water Code (Water Code).
2. A hearing concerning this complaint will be held before the Board within 60 days of the date of issuance of this complaint, unless John Bidart waives the right to a hearing. Waiver procedures are specified on page 3 of the complaint. If the hearing in this matter is not waived, it will be held during the Board's regular meeting on April 19, 2001 at the Orange County Water District, 10500 Ellis Avenue, Fountain Valley, CA. The meeting begins at 9:00 a.m. You or your representative will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. If the April 19, 2001 hearing is held, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. On February 13, 2001, Mr. Bidart is alleged to have discharged pollutants (storm water runoff containing manure) to a location that is tributary to navigable waters of the United States, in violation of Water Code Section 13376. Section 13385(a)(1) of the Water Code specifies that any person who violates Section 13376 shall be liable civilly in accordance with Section 13385.

5. This complaint is based on the following facts:
  - A. On February 13, 2001, Board staff observed wastewater (runoff mixed with manure) being discharged to Grove Avenue from multiple locations along a concrete dike intended to contain wastewater from the facility's eastern corrals. Two observed discharges were the result of breaks in the concrete dike. Another three observed discharges resulted from undermining beneath the concrete dike. The discharged wastewater flowed south along Grove Avenue, then continued west along Pine Avenue via a roadside drainage ditch that ultimately conveys runoff to the Santa Ana River, a navigable water of the United States. Runoff from dairy corrals contains pollutants, including, in part, pathogens, nutrients (nitrogen and phosphorus), and dissolved solids (salts).
  - B. On February 23, 2001 Board staff again observed wastewater (runoff mixed with manure) being discharged to Grove Avenue from some of the similar locations along the concrete dike as was observed on February 13, 2001. The source of the wastewater was again runoff and manure from the facility's eastern corrals. The discharged wastewater flowed along Grove Avenue to Pine Avenue and was ultimately conveyed to the Santa Ana River via drainage conveyances.
6. Section 13376 of the Water Code prohibits the discharge of pollutants to the navigable waters of the United States, except as authorized by waste discharge requirements. The discharge of pollutants noted above was not authorized by waste discharge requirements. Section 13385 (c)(1) of the Water Code provides that the Board may administratively impose civil liability for violation of Section 13376 in an amount that shall not exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.
7. The maximum amount of liability that the Board could assess administratively under Section 13385 (c)(1) for the discharge that was observed on February 13 and February 23, 2001 is \$20,000.
8. Water Code Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. Based upon consideration of those factors, it is proposed that an administrative civil liability be imposed on John Bidart in the amount of \$20,000.

**WAIVER OF HEARING**

You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver and return it together with a check or money order made payable to the State Water Resources Control Board in the amount of the civil liability proposed in paragraph 8 above. Send the check and waiver to:

Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact Gerard J. Thibeault at (909) 782-3284, Stephen D. Mayville at (909) 782-4992, or contact the Regional Board's staff counsel, Ted Cobb, at (916) 657-0406.

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Date

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Gerard J. Thibeault  
Executive Officer